

of this resolution to each of our senators and representatives in congress.

Approved March 10, 1873.

NUMBER XVI.

A JOINT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO PROSECUTE THE SAINT PAUL AND PACIFIC RAILROAD COMPANY.

WHEREAS, Complaints are constantly being made that the Saint Paul and Pacific Railroad Company has made an exclusive agreement with certain parties, viz.: Hill, Griggs & Co., or their assigns, whereby the transportation of wood is made a monopoly, excluding all competition to shippers; and

WHEREAS, This operates as a troublesome and oppressive tax on the settler, and thus tends to depress and retard the development of certain districts of our state; and

WHEREAS, Said Saint Paul and Pacific Railroad Company has misused its power and violated the law relating to common carriers; therefore,

Be it resolved by the Legislature of the State of Minnesota:

That the attorney general is hereby requested to cause proceedings to be instituted and prosecuted against said Saint Paul and Pacific Railroad Company in the proper court, according to law, in such case made and provided.

Approved March 10, 1873.

NUMBER XVII.

JOINT RESOLUTION TO FACILITATE THE SETTLEMENT OF THE TITLE TO SWAMP LANDS HERETOFORE GRANTED BY THE STATE OF MINNESOTA TO STATE INSTITUTIONS AND RAILROADS.

WHEREAS, By an act of the legislature of the state of Minnesota entitled "An act granting lands to aid the Saint Paul and Pacific railroad company in the construction of their branch railroad from Saint Paul to Winona," approved March 6, 1863, there was granted to said railroad company swamp lands of the state of Minnesota to the amount of fourteen full sections to the mile of said branch road to aid in the construction thereof; and

WHEREAS, By an act of the legislature of said state, entitled "An act to appropriate swamp lands to educational and charitable institutions therein named, and for the purpose of erecting a state prison." approved February 13, 1855, swamp lands of the state not otherwise disposed of prior to the passage of said act, were directed to be selected and set apart for certain state institutions therein named, large amounts of which lands have been under said act so selected and set apart; and

WHEREAS, The title to the said lands so selected and set apart for said institutions is disposed [disputed] by the Saint Paul and Chicago railroad [railway] company; therefore

Be it resolved by the Legislature of the State of Minnesota:

SECTION 1. That the Minnesota hospital for insane, the deaf, dumb and blind asylum, the state prison, and each of the normal schools of this state, by and in their respective names, or in the names of the trustees or other officers having the superintendence or control of said institutions, and the Saint Paul and Chicago railway company in its corporate name are hereby empowered to institute and defend all such actions and legal proceedings in the proper courts of this state as may be necessary to try and determine all questions concerning the title to any swamp lands granted to, or selected or set apart for any of said institutions, or said Saint Paul and Pacific railroad company for its Winona branch under any act of the legislature of this state, and all of the above-named institutions and said Saint Paul and Chicago railway company under and by the names aforesaid shall have the same power to sue and be sued, to defend and be defended in the courts of this state in reference to any questions concerning the title to such lands as if they were natural persons.

SEC. 2. That the actions and legal proceedings hereby authorized to be commenced and defended, may be either upon an agreed case, or be conducted in the usual way of civil actions, and the decision and judgment of the court therein, so far as respects the title to said lands, or any portion thereof, and the right to their use, enjoyment and disposition is concerned, shall be binding upon the parties to said action or proceedings, and upon the state of Minnesota, in the same

manner and to the same extent as in other civil actions ; but no order, decision or judgment shall be rendered in any such proceeding or action against any such institution for any costs, charges or disbursements incurred therein, nor for the recovery of any damages for the withholding of any of said real property or lands, nor for the rents, issues or profits thereof, nor in any manner affecting any property other than such lands belonging to any such institution, or to the state, nor creating or declaring any liability or obligation for the payment of any money against the said state, or any such institution.

SEC. 3. This resolution shall take effect and be in force from and after its passage.

Approved March 11, 1873.

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE, }
SAINT PAUL, JUNE 16, 1873. }

I hereby certify that the foregoing laws and joint resolutions have been carefully compared with the originals on file in this office, and that the same are true and correct copies thereof.

S. P. JENNISON,
Secretary of State.